

5586. Misbranding of "Mountain Rose Tonic Tablets and Herbaline." U. S. * * * v. Springsteen Medicine Co., a corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 6021. I. S. No. 10117-a.)

On September 17, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Springsteen Medicine Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 25, 1913, from the State of Ohio into the State of Michigan, of a quantity of an article labeled in part, "Springsteen's Mountain Rose Tonic Tablets and Herbaline," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

The "Mountain Rose" tablets contain boric acid, tannin (or gallic acid), a zinc compound (possibly zinc subgallate), unidentified alkaloidal material, vegetable extractive including resinous material, sugar (probably lactose), acid insoluble material (apparently talc).

The "Mountain Rose Herbaline" is essentially an ointment potassium carbonate, 15.5 per cent; strychnine, laxative plant extractive matter, resinous material, and sugar.

The "Mountain Rose Herbaline" is essentially an ointment with a petrolatum base containing oil of eucalyptus, a thujone, containing oil such as tansy, and a small quantity of material, insoluble in petroleum ether but somewhat soluble in ether or chloroform and not an alkaloid.

It was alleged in substance in the information that the articles were misbranded for the reason that certain statements appearing on the label falsely and fraudulently represented said articles to be effective as a treatment for the cure of all diseases peculiar to women, when, in truth and in fact, the articles composing the so-called treatment were not, either separately or together, so effective; for the further reason that certain statements appearing on the label of the large carton falsely and fraudulently represented the article as a cure for prolapsus, retroversion, retroflexion, anteversion, anteflexion, painful menstruation, excessive menstruation, suppressed menstruation, leucorrhea, and in fact all diseases of the female organs of generation, when, in truth and in fact, it was not; and for the further reason that certain statements appearing on the label of the small carton falsely and fraudulently represented it as a remedy for quinsy, sore throat, and diphtheria, when, in truth and in fact, it was not. It was alleged, in substance, that the tablets were misbranded for the further reason that certain statements included in the booklet accompanying said article falsely and fraudulently represented it as a cure for the diseases peculiar to women, effective as a specific for every form of female trouble, and in removing epilepsy, as a cure for latroversion, retroversion, and anteversion, as a remedy for leucorrhea, cessation of menstruation, for corroding ulcer of the uterus, and cauliflower excrescence of the uterus, as a cure for dysmenorrhea, sterility or barrenness, uterine catarrh, inflammation of the womb, profuse menstruation, inflammation of the ovaries, as a preventive of ovarian dropsy, as a cure for prolapsus of the womb, ulceration of the neck of the womb, enlargements or hardening of the womb, hysteria, ulceration of womb, and all forms of displacements, many forms of uterine tumors, painful menstruation, and congestion of the ovaries, when, in truth and in fact, it was not. Mis-

branding of the "Herbaline," was alleged, in substance, for the reason that certain statements included in the booklet accompanying the article falsely and fraudulently represented it as a remedy for quinsy, sore throat, and diphtheria, effective to relieve the many annoying symptoms resulting from uterine disease, and effective if employed externally at the same time with "Mountain Rose" as a relief for abnormal conditions taken on by the lymphatics of the ovaries, fallopian tubes, broad ligaments, and parietes of the abdomen, and effective when used in connection with "Mountain Rose," as a specific for common ovarian ailments, when, in truth and in fact, it was not. Misbranding of the tablets was alleged for the further reason that the statement included in the booklet, to wit, "Our Constitutional Tonic Tablets * * * will cure all diseases of the skin," falsely and fraudulently represented the article as a cure for all diseases of the skin, when, in truth and in fact, it was not. Misbranding of the articles was alleged in substance for the further reason that certain statements included in the booklet aforesaid falsely and fraudulently represented the articles to contain ingredients or medicinal agents effective as a cure for prolapsus, ovarian, and uterine trouble, polypus growth on the uterus, chronic inflammation and enlargement of the ovaries, inflamed ovaries, barrenness, prolapsus uteri, and cancer of the breast, when, in truth and in fact, it was not.

On January 13, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$100 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*